

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division

JOANN WRIGHT HAYSBERT,

Plaintiff,

v.

CIVIL ACTION NO. 4:20cv121

BLOOMIN' BRANDS, INC., et al.,

Defendants.

ORDER

This matter comes before the court on Defendants' Bloomin' Brands, Inc. ("Bloomin' Brands") and Outback Steakhouse of Florida, LLC ("Outback Steakhouse") Motion for Summary Judgment, and Memorandum in Support. ECF Nos. 184, 185. The Plaintiff, JoAnn Wright Haysbert ("Plaintiff"), filed a Memorandum in Opposition, and Defendants filed a Reply thereto. ECF Nos. 189, 192. Plaintiff filed a Motion for Summary Judgment and Memorandum of Points and Authorities in Support, ECF Nos. 187, 188. Defendants filed a Memorandum in Opposition, and Plaintiff's filed a Reply thereto. ECF No. 191, 193.


On November 19, 2021, the matter was referred to United States Magistrate Judge Robert J. Krask pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b), to conduct necessary hearings, including evidentiary hearings, if necessary, and to submit to the

undersigned district judge proposed findings of fact, if applicable, and recommendations for the disposition of the Motions for Summary Judgment. ECF No. 212. The Magistrate Judge's Report and Recommendation ("R&R"), which recommended denying both Motions for Summary Judgment, was filed on February 18, 2022. ECF No. 225. In the R&R, the parties were advised of their right to file written objections to the findings and recommendations made by the Magistrate Judge within fourteen (14) days from the date of the mailing of the R&R to the objecting party. Id. at 22. No objections were filed.

The court **ADOPTS AND APPROVES IN FULL** the findings and recommendations set forth in the Magistrate Judge's R&R filed on February 18, 2022. Accordingly, Defendants' Motion for Summary Judgment, ECF No. 184, and the Plaintiff's Motion for Summary Judgment, ECF No. 187, are **DENIED**.

The Clerk is **DIRECTED** to contact counsel to set a Supplemental Rule 16(b) Conference, at which new dew dates for the Final Pretrial Conference and the Jury Trial shall be set. The Clerk is further **DIRECTED** to send a copy of this Order to counsel for all parties.

IT IS SO ORDERED.

/s/ 
Rebecca Beach Smith
Senior United States District Judge

REBECCA BEACH SMITH
SENIOR UNITED STATES DISTRICT JUDGE

March 11, 2022